

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 8.32 of the Lincoln Municipal Code relating
2 to Solid Wastes by amending Section 8.32.010 to amend the definitions of “hazardous waste,” and
3 “refuse,” add new definitions for “liquid waste,” “putrescible,” and “waste hauler,” and deleting the
4 definition of “refuse vehicle”; amending Section 8.32.040 to clarify the type of solid waste accepted
5 for disposal; amending Section 8.32.070 to add “container” to the list of items required to be
6 constructed or covered in such a manner to prevent the discharge of waste; amending Section
7 8.32.080 to update a CFR citation within said section; amending Section 8.32.110 to clarify who
8 must hold a license to haul waste; amending Section 8.32.120 to update the specifications and clarify
9 which vehicles and containers are required to meet the specifications; amending Section 8.32.130
10 to clarify who shall file an application for a license to haul waste; amending Section 8.32.140 to
11 eliminate the annual license fee to haul refuse; amending Section 8.32.150 to exempt liquid waste
12 from the imposition of the occupation tax; amending Section 8.32.160 to delete the reference to
13 “refuse vehicle”; and repealing Sections 8.32.010, 8.32.040, 8.32.070, 8.32.080, 8.32.110, 8.32.120,
14 8.32.130, 8.32.140, 8.32.150, and 8.32.160 of the Lincoln Municipal Code as hitherto existing.

15 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

16 Section 1. That Section 8.32.010 of the Lincoln Municipal Code be amended to read
17 as follows:

18 **8.32.010 Definitions.**

19 For the purposes of this chapter, the following words shall have the following meanings:

20 **Bottom ash** shall mean all residue that falls from the burn chamber of a device used for
21 incineration or to burn combustible or flammable material for heat, steam, or electricity.

1 **Building rubbish** shall mean all discarded or unwanted material or waste material from the
2 construction, remodeling, and repair operations on houses, commercial buildings, and other
3 structures including, but not limited to, excavated earth, stones, brick, plaster, lumber, concrete, and
4 waste parts occasioned by installations and repairs, but excluding garbage, asbestos products,
5 asphaltic products and other hazardous wastes or hazardous materials as defined in this and other
6 chapters of the Lincoln Municipal Code.

7 **Commercial waste** shall mean waste produced by retail and wholesale businesses, services,
8 entertainment establishments, and by hotels and restaurants.

9 **Demolition debris** shall mean all combustible and noncombustible waste material resulting
10 from the demolition of structures, roadways, or other paved surfaces, but excluding garbage, asbestos
11 products, asphaltic products and other hazardous wastes or hazardous materials as defined in this and
12 other chapters of the Lincoln Municipal Code.

13 **Fly ash** shall mean all residue derived from incineration or burning of combustible or
14 flammable material for heat, steam, or electricity, with the exception of bottom ash.

15 **Garbage** shall mean all animal, fruit, or vegetable wastes resulting from the handling,
16 preparation, cooking, or consumption of food.

17 **Hazardous waste** shall mean all waste material which is ignitable, corrosive, chemically
18 reactive, radioactive, or toxic, as defined by ~~Federal RCRA Regulations, Federal Register Volume~~
19 ~~45, No. 98, May 19, 1980 and subsequent revisions and/or NDEQ regulations~~ the U.S. Code of
20 Federal Regulations (CFR) Title 40, Part 261 - Identification and Listing of Hazardous Waste, and
21 the Nebraska Department of Environmental Quality Title 128, Nebraska Hazardous Waste
22 Regulations.

23 **Health Director** shall mean the Director of the Lincoln-Lancaster County Health Department
24 or duly authorized representatives of the director.

25 **Industrial waste** shall mean waste from factories, processing plants, and other
26 manufacturing enterprises.

27 **Infectious waste** shall mean wastes from hospitals, medical clinics, offices of physicians,
28 doctors, surgeons, dentists, veterinarians, pathological laboratories, research and development
29 laboratories, dispensaries, blood plasma centers, and other like facilities which contain any of the
30 following:

31 (1) Blood and body fluids that include fluid blood, blood products, and body
32 fluids. (This shall not include dried blood or dried body fluids.) Blood and blood products shall
33 include human serum, human plasma, and other human blood components. The term body fluid
34 includes semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid,
35 pericardial fluid, amniotic fluid and any other body fluid visibly contaminated with blood;

36 (2) Infectious sharp waste, which shall include: all discarded items derived from
37 (i) human patient diagnosis, care, or treatment, or (ii) animals infected with zoonotic disease, which
38 could potentially transmit disease via direct subdermal (beneath the skin) inoculation, including

hypodermic needles, scalpels, and breakable containers containing materials defined herein as infectious;

(3) Laboratory wastes, which shall include: all cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix culture;

(4) Animal waste, which shall include: all such waste derived from animals afflicted with zoonotic disease or purposely infected with agents communicable to humans, including blood and body fluids, carcasses, body parts, excrement, and bedding of such animals;

(5) Other waste, which shall include wastes that contain pathogenic microbial agents or other biologically active materials in sufficient concentrations that exposure to the waste directly or indirectly creates a significant risk of disease.

Lawn waste shall mean grass cuttings or clippings and leaves.

Limited landfill shall mean a type of operation approved by the Health Director in which only building rubbish and demolition debris are disposed of by plan on a specified parcel of land and operated and maintained in such a manner as to present no danger to the health and safety and welfare of human beings.

Liquid waste shall mean any waste which contains free liquids which will readily separate from the solid portion of a waste under ambient temperature and pressure as determined by the federal Environmental Protection Agency Paint Filter Liquid Test Method 9095 of Test Methods for Evaluation Solid Waste Volume 1 section C November 1986.

NDEQ shall mean the Nebraska Department of Environmental Quality.

Person shall mean and include any individual, firm, corporation, association, partnership, institution, or entity, whether public or private.

Putrescible shall mean capable of being decomposed by microorganisms with sufficient rapidity as to be likely to cause nuisances from odors, gases, or liquids.

RCRA shall mean the Resource Conservation and Recovery Act of 1976, 42 U.S.C., Paragraph 6901, et seq., as amended.

Refuse shall mean and include garbage, building rubbish, ~~and~~ demolition debris, putrescible waste, commercial waste, industrial waste, and special waste as herein defined, and all sweepings, ashes, paper, cardboard, feathers, rags, glass, dishes, bottles, crockery, pans, utensils of every kind and nature, pasteboard boxes, food containers, tin cans, and any other waste matter or material ~~not~~

herein designated as garbage which accumulates in the conduct of a household, business establishment, shop, or factory of any kind or nature. For purposes of this chapter, the term refuse shall not include hazardous waste as defined in this chapter; universal waste, as defined by the Nebraska Department of Environmental Quality Title 182, Chapter 25 - Standards for Universal Waste Management, destined for a universal waste facility; for which an RCRA permit has been issued or recyclables, as defined in Section 5.41.010 of this code, that have been separated out at the source.

Refuse hauler shall mean any person engaged in the business of collecting, hauling, or conveying refuse as defined in this section or who, as part of the duties of such person's occupation, collects, hauls, or conveys refuse as defined in this section.

~~**Refuse vehicle** shall mean any vehicle with or without a packing unit or mechanism used to collect, haul, or convey refuse. This shall include vehicles used to transport roll-off containers as defined in Section 8.32.220.~~

Sanitary landfill shall mean a type of operation licensed or approved by the State of Nebraska in which solid waste is deposited by plan on a specified portion of land, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of solid waste materials, which are closed at the end of each day, and to a depth of at least twenty-four inches over the finished landfill.

Site shall mean the contiguous land area where any regulated or related activity is physically located or conducted. Properties that are separated only by a street, alley, or other public right-of-way shall be considered contiguous.

Solid waste shall mean all putrescible and nonputrescible wastes whether in solid or liquid form and includes garbage, scavenger matter, rubbish, ashes, refuse, fill dirt, sewage sludge, street refuse, commercial and industrial wastes, demolition debris and all used construction material, building rubbish, discarded automobile and other types of vehicle body parts or portions thereof, machinery or parts thereof, discarded home or industrial appliances, iron, steel and other old or metal scrap material, manure, human excrement, vegetable or animal solids and semi-solid waste, infectious waste, special waste, lawn waste, tree limbs, branches, shrubbery, bushes, and other similar organic waste, including garden vegetative material, dead animals or parts thereof, and other discarded solid materials.

Waste hauler shall mean any refuse hauler engaged in the business of collecting, hauling, or conveying garbage, putrescible waste, or infectious waste or who, as part of the duties of such person's occupation, collects, hauls, or conveys garbage, putrescible waste, or infectious waste.

Section 2. That Section 8.32.040 of the Lincoln Municipal Code be amended to read as follows:

8.32.040 Public Sanitary Landfills; Location; Type of Solid Waste Accepted for Disposal.

Two public sanitary landfills are hereby designated for purposes of dumping and disposal of solid waste. One public sanitary landfill shall be located on 48th Street, approximately three-quarters of a mile north of Superior Street. The second public sanitary landfill shall be located at the southeast corner of 56th Street and Bluff Road. The types of solid waste to be accepted for dumping and disposal at the public sanitary landfills shall be as follows:

(a) The 48th Street public sanitary landfill site shall accept for dumping and disposal lawn waste as defined in Section 8.32.010; all recyclable material; all building rubbish and demolition debris as defined in Section 8.32.010; all special waste as defined in Resolution No. A-71367, unless otherwise designated for disposal at the 56th Street and Bluff Road site by the Department of Public Works and Utilities; and all other solid waste ~~transported to the public sanitary landfill by means other than a refuse vehicle~~, as approved by permit issued by NDEQ and the Public Works and Utilities Director.

(b) The types of waste to be accepted for dumping and disposal at the 56th Street and Bluff Road site shall be all solid waste ~~transported by means of refuse vehicles as defined in Section 8.32.010~~ as approved by permit issued by NDEQ and the Public Works and Utilities Director.

Section 3. That Section 8.32.070 of the Lincoln Municipal Code be amended to read as follows:

8.32.070 Sanitary Landfill; Prohibited Activities.

It shall be unlawful for any person to dump any solid waste at either of the public sanitary landfills designated in Section 8.32.040 except during the hours established in Section 8.32.060. The superintendent in charge of such landfill shall designate the place or places where all solid waste brought to the landfill shall be placed. The superintendent may require a permit for any special waste

1 brought to the landfill. Said superintendent may require persons bringing solid waste to said landfill
2 for disposal to separate such solid waste according to kinds or classes of material, and to deposit
3 such different kinds or classes of materials in different places on said landfill, and may direct the
4 manner and method of dumping and disposing of such solid waste.

5 It shall be unlawful for any person to bring any automobiles, automobile bodies, parts of
6 automobiles, or machinery to such landfill without having first dismantled or taken the same apart
7 so that the pieces and parts thereof shall meet the sizes specified in the rules and regulations as
8 promulgated by the Department of Public Works and Utilities, and the superintendent shall not
9 permit the same to be deposited at the landfill unless so dismantled or taken apart.

10 It shall be unlawful for any person to bring any pressured containers or containers that may
11 explode upon crushing, empty containers over five gallons in size, empty containers labeled
12 "Danger" or which once contained hazardous material, or fuel tanks or containers without first
13 having met the criteria for safe disposal of the same as determined and established by rules and
14 regulations adopted by the Department of Public Works and Utilities, and the superintendent shall
15 not permit the same to be deposited at the landfill until the containers or tanks comply with such
16 rules and regulations.

17 No solid waste, including trees, lumber, metals, concrete, etc., shall be accepted in the landfill
18 if said waste has a maximum dimension in any direction (width, height, breadth) of more than six
19 feet. This restriction may be waived by the person in charge of operating the landfill if they feel that
20 allowing such materials will not impede the operation of the landfill.

21 It shall be unlawful for any person other than authorized landfill employees and officers of
22 recognized law enforcement agencies to possess a loaded firearm within limits of the sanitary
23 landfill.

24 It shall be unlawful for any person to bring any vehicle, container, or trailer into the sanitary
25 landfill unless it is constructed or covered in such a manner that wastes cannot have fallen, spilled,
26 or been discharged from said vehicle, container, or trailer on the roads from the point of loading to
27 the site of waste disposal that has been designated for unloading.

28 The authorized use of the sanitary landfill is for the citizens of the City of Lincoln, residents
29 of Lancaster County, and for the disposal of solid waste generated within Lancaster County. Unau-
30 thorized use of the landfill shall be subject to prosecution under penalties of this chapter.
31 Unauthorized use includes licensed haulers who bring refuse from outside the county to the landfill.

32 No statement contained in this chapter shall be construed as preventing special agreement
33 or arrangement between the city and any party for disposal of wastes.

34 Section 4. That Section 8.32.080 of the Lincoln Municipal Code be amended to read
35 as follows:

36 **8.32.080 Special Waste Disposal; Permit Required.**

37 (a) The following solid waste materials are hereby designated as special wastes:

1 Group I: Wastes That May Contain Free Liquids

- 2 (1) Cooking oil and grease;
3 (2) Cooking grease trap waste;
4 (3) Mud or sand from sumps or traps;
5 (4) Septic tank waste;
6 (5) Chemicals and waste from portable or chemical toilets;
7 (6) Sewage or other organic residues or sludges;
8 (7) Sludges containing a liquid concentration of 80% or more by weight or
9 material producing free liquids in a Standard Paint Filter;

10 Group II: Petroleum-based Wastes

- 11 (8) Petroleum type grease trap waste;
12 (9) Sludges from petroleum tanks;
13 (10) Petroleum contaminated refuse, soil, or other materials;
14 (11) Petroleum contaminated water;
15 (12) Oil, lubricants, hydraulic fluids, fuels, and other petroleum products;

16 Group III: Empty Containers

- 17 (13) Pressurized containers or containers that may explode upon crushing;
18 (14) Containers over five gallons in size;
19 (15) Empty container labeled "DANGER" or which once contained hazardous
20 material;
21 (16) Fuel tanks;

22 Group IV: Solvents, Absorbents, Filters, and Residues

- 23 (17) Solvents, degreasers, strippers, thinners, and related products;
24 (18) Refuse containing solvents, degreasers, strippers, or thinners;
25 (19) Lime or other inorganic residues or sludges;
26 (20) Paint, dry paint waste, filters, and paint contaminated material;
27 (21) Fly ash;
28 (22) Bottom ash;

29 Group V: Hazardous or Toxic Chemicals or Chemical Products

- 30 (23) Antifreeze or treatment chemicals for boilers, heat exchangers, cooling
31 towers, and similar uses;
32 (24) Chemicals labeled WARNING for toxics and pesticides;
33 (25) Pharmaceutical products;
34 (26) Adhesives, sealants, coatings or catalysts;

- 35 (27) Material containing between 25 and 100 percent of the maximum
36 concentration of any Toxic Characteristic Leaching Procedure (TCLP) listed
37 chemical as referenced in 30 40 CFR Part 261, subpart C, Chapter 261.24,
38 Table 1 or that exceeds a concentration of 0.3 mg/kg of nickel;

- 39 (28) Hazardous or potentially hazardous waste or chemicals labeled "DANGER";

40 Group VI: Miscellaneous

- (29) Treated or untreated infectious waste from hospitals;
- (30) Treated or untreated infectious waste from other than hospitals;
- (31) Waste containing or likely to contain polychlorinated biphenyls (PCB);
- (32) Waste containing asbestos;
- (33) Material other than asbestos that could create a health hazard if airborne;
- (34) Wood that has been treated with hazardous or toxic chemicals;
- (35) Any other solid waste which requires special management to ensure protection of public health, safety, or the environment based upon the physical, chemical, or biological properties of the waste.
- (b) No industry, commercial operation, or home occupation shall dispose of any special wastes in quantities greater than that provided from time to time by resolution of the City Council as authorized by Section 8.32.090 of the Lincoln Municipal Code, without first obtaining a written permit from the Health Director. Any person authorized to dispose waste by a valid RCRA permit issued by the State of Nebraska shall not be required to obtain a separate permit to fulfill the requirements of this subsection.
- (c) The Health Director shall issue a permit only after:
- (1) A written request is made providing the source of the waste including name and address of the generator, a description of the waste material, chemical data sheets, quantities, generation rates, intended disposal method and disposal site, and any other information about the waste as required by the Health Director to determine acceptability of the disposal method and site proposed in the request.
- (2) Written approval is received from the Public Works and Utilities Director for materials to be disposed of at the landfill or the wastewater treatment plants.
- (d) The Public Works and Utilities Director or the Health Director may provide special conditions reasonably related to the handling or disposal of any permitted waste by providing the same in writing on the permit.
- (e) The Public Works and Utilities Director or the Health Director may deny permission for disposal of wastes that may have been approved by the state.
- (f) A separate permit shall be required for each type of waste proposed for disposal.
- (g) Each industry, commercial operation, or home occupation disposing wastes as described above must apply for and be granted a special waste permit, and a separate permit shall be required for each site from which such waste is being disposed. Permits shall be granted for a period of time not to exceed three years.
- (h) Special waste permits may not be transferred.
- (i) The special waste permit must be made available and displayed upon request to landfill operations personnel when entry to the landfill for disposal is requested. Any permit must be specific to the accompanying waste, and the superintendent of the landfill shall have the authority to refuse disposal of any special waste not properly permitted.
- (j) The Health Director may request periodic reporting of quantities of special wastes as outlined above and the superintendent of the landfill may deny the dumping of all special wastes at any time, depending upon the condition of the landfill.
- (k) Industrial, commercial, and home occupation generators of a special waste, in any quantity, must upon request by the Health Director, provide an inventory of wastes generated. Said inventory shall include all waste types, amounts, and the intended off-site destination or means of disposal after leaving the facility.

(1) Permitted waste may be rejected without prior notice to protect the disposal site from contamination and for other appropriate reasons including, but not limited to the following:

(1) Waste characteristics or volumes are not representative of those described on the special waste disposal permit;

(2) The waste has characteristics or reasonably appears to be hazardous waste or other waste which is prohibited from disposal at the disposal site or which is not specifically exempted or otherwise conditionally approved by a valid special waste disposal permit;

(3) Failure to present a suitable copy of a valid special waste disposal permit to the city representative receiving the waste;

(4) Failure to cooperate with city representatives inspecting or monitoring incoming waste;

(5) Previous failure to comply with disposal directions or abuse or damage to city property from previous improper disposal on city property through negligence or carelessness while using the city's disposal sites;

(6) Temporary operational problems or constraints at the disposal site which in the opinion of the Public Works and Utilities Director or the Health Director preclude the acceptance of the waste at that time;

(7) Delinquent payment of disposal fees; or

(8) Failure to comply with the conditions of the special waste disposal permit.

Section 5. That Section 8.32.110 of the Lincoln Municipal Code be amended to read as follows:

8.32.110 Refuse Waste Haulers; License Required.

It shall be unlawful for any person to collect, haul, or convey ~~refuse~~ garbage, putrescible waste, or infectious waste from property within the corporate limits of the city or within three miles thereof without first having procured a license to do so under the provisions of this chapter; provided, however, no license shall be required:

(a) For a homeowner conveying ~~refuse~~ garbage, putrescible waste, or infectious waste from his or her own residence to the public sanitary landfills; ~~or,~~

~~(b) For collecting, hauling, or conveying building rubbish or demolition debris that is destined for and that may lawfully be deposited in a limited landfill or the 48th Street public sanitary landfill.~~

1 (b) For collecting, hauling or conveying dead animals, grease, and other putrescible
2 wastes to rendering facilities.

3 (c) For collecting, hauling or conveying liquid wastes if said person holds a current
4 Cleaner and Liquid Waste Hauler permit issued by the Health Director pursuant to Lincoln
5 Municipal Code Section 24.38.060.

6 (d) For collecting, hauling and conveying lawn waste.

7 Section 6. That Section 8.32.120 of the Lincoln Municipal Code be amended to read
8 as follows:

9 **8.32.120 ~~Refuse~~ Vehicles or Containers; Specifications and Inspection.**

10 Any ~~refuse~~ vehicle or container used in collecting, ~~and hauling, or conveying refuse~~ garbage,
11 putrescible waste, or infectious waste over the streets within the corporate limits of the city or within
12 three miles thereof shall comply with the following specifications:

13 (a) The part of the vehicle or container which contains the ~~refuse material~~ garbage,
14 putrescible waste, or infectious waste shall:

15 (1) be constructed of durable ~~metal~~ materials;

16 (2) be so constructed that liquid ~~materials~~ waste will not spill, leak, or be
17 discharged therefrom while the ~~refuse material~~ waste is being conveyed from the point of pickup to
18 the approved landfill or the waste be contained in such a way as to prevent spills, leaks or discharges;

19 (3) be so constructed that ~~refuse~~ waste will not fall, spill, or blow from, or
20 otherwise leave the container until emptied at the approved landfill. If the container has an open top,
21 an effective protection net must be provided and be placed over the ~~material~~ waste being transported
22 so as to prevent the ~~refuse~~ waste ~~material~~ from leaving the container during transport.

1 (b) The outside of the ~~refuse~~ vehicle or container shall be kept well maintained, painted,
2 and free of excessive dirt and similar offensive materials at all times. The inside shall be kept clean
3 and sanitary when not in use.

4 (c) The ~~refuse~~ vehicle or container shall be kept in good repair so as to prevent the ~~refuse~~
5 waste materials from leaking, spilling, or falling from or otherwise being discharged from the vehicle
6 or container during transport.

7 Accessory vehicles or containers used only for collecting and depositing ~~refuse~~ garbage,
8 putrescible waste, or infectious waste in another vehicle or container and not used for transporting
9 ~~refuse~~ garbage, putrescible waste, or infectious waste to a ~~designated disposal ground~~ licensed
10 landfill or transfer station ~~may be equipped with refuse containers constructed of heavy duty, durable~~
11 ~~molded plastic materials and~~ shall not be required to be fully enclosed nor be required to use
12 protective nets if so constructed that ~~materials~~ waste will not be spilled or blown therefrom.

13 Any ~~refuse~~ vehicle or container used in collecting and hauling garbage, putrescible waste,
14 or infectious waste placed in service after the passage of this chapter shall comply with the foregoing
15 requirements.

16 The Health Director is authorized to make such ~~refuse~~ vehicle or container inspections as
17 deemed necessary to ensure adequate compliance with this ordinance.

18 Section 7. That Section 8.32.130 of the Lincoln Municipal Code be amended to read
19 as follows:

20 **8.32.130 Application for Waste Hauler License; Information Required; Bond.**

21 Application for a license to collect, haul, or convey ~~refuse~~ garbage, putrescible waste, or
22 infectious waste shall be made to the Health Director upon forms furnished by the Health Director,
23 which shall set forth the name and residence of the applicant, the business location, the number and

1 kind of vehicles to be used, with a definite description of each such vehicle, and such other
2 information as may be required to satisfactorily identify the applicant and such vehicles. Such
3 applicant shall file with the application a proof of bond as herein required; and a treasurer's receipt
4 showing the appropriate tax for street improvement has been paid on each ~~refuse~~ vehicle to be
5 licensed. Before any license is issued by the Health Director, the applicant shall execute and file with
6 the City Clerk a bond in the sum of \$500.00, with one or more sufficient sureties thereon to be
7 approved by the City Attorney, conditioned that such applicant shall indemnify and save harmless
8 the city from any damage or injury due to or on account of the act of neglect or default of such
9 applicant and conditioned, further, that such applicant shall well and truly comply with all ordinances
10 or regulations of the city respecting the collecting, hauling, or conveying of refuse.

11 Section 8. That Section 8.32.140 of the Lincoln Municipal Code be amended to read
12 as follows:

13 **8.32.140 License; Fee; Expiration.**

14 ~~An annual license fee of five dollars shall be charged for the collecting, hauling, conveying~~
15 ~~of refuse. All license fees shall be due and payable on the first day of June of each year, and all~~
16 ~~licenses hereunder shall expire on the thirty-first day of May following the issuance unless sooner~~
17 ~~revoked, and no license shall be assignable or transferable. All license fees received by the Health~~
18 ~~Director under this section shall be deposited with the City Treasurer.~~

19 Section 9. That Section 8.32.150 of the Lincoln Municipal Code be amended to read
20 as follows:

21 **8.32.150 Occupation Tax.**

22 (a) There is hereby imposed an occupation tax of \$7.00 on each ton of refuse collected
23 by a refuse hauler within the corporate limits of the City of Lincoln, and a tax of \$7.00 on each ton
24 of refuse collected by a refuse hauler outside the corporate limits of the City of Lincoln and

1 deposited in the public sanitary landfills as designated in Section 8.32.040 of the Lincoln Municipal
2 Code. The occupation taxes authorized herein shall be used exclusively for funding solid waste
3 management programs, including the payment of principal and interest on revenue bonds issued by
4 the City of Lincoln.

5 (b) Each refuse hauler shall remit to the Public Works and Utilities Department payment
6 of occupation taxes due and owing from the previous calendar month, together with a complete and
7 detailed statement of (1) the tonnage of refuse collected within the corporate limits of the City of
8 Lincoln, and (2) the tonnage of refuse collected outside of the corporate limits of the City of Lincoln
9 and deposited in the public sanitary landfills during that period. The statement shall identify any
10 tonnage claimed to fall under an exemption to the occupation tax set forth in subparagraph (d)
11 hereof. Such statement shall be duly verified and sworn to by the officer or officers in charge of the
12 business. All such businesses shall at all reasonable times during business hours permit the City,
13 through its officers, agents, or representatives, to inspect the books and records of any such business
14 for the purpose of verifying such report or reports.

15 (c) All refuse collected by refuse haulers within the corporate limits, whether destined
16 for deposit in the public sanitary landfills as designated in Section 8.32.040 or for deposit elsewhere,
17 shall, before leaving the corporate limits of the City of Lincoln, be weighed at the scales located at
18 the public sanitary landfill at 56th Street and Bluff Road or at such other scales approved by the
19 Director of Public Works and Utilities. The refuse hauler shall, at that time, advise the sanitary
20 landfill operator or his designated representative of the amount of such tonnage destined for deposit
21 outside the State of Nebraska. Any refuse not being deposited at the public sanitary landfills
22 designated under Section 8.32.040, whether destined for deposit inside or outside the State of
23 Nebraska, shall be weighed and the driver of the ~~refuse~~ vehicle shall be provided a certificate of
24 weight which shall be displayed upon demand to any police officer of the City of Lincoln.

25 (d) The occupation tax provided herein shall not be imposed upon (1) refuse destined for
26 deposit at any location outside the State of Nebraska, or (2) building rubbish or demolition debris
27 lawfully being deposited in the 48th Street public sanitary landfill, or (3) liquid waste, as defined in
28 Section 8.32.080 herein.

Section 10. That Section 8.32.160 of the Lincoln Municipal Code be amended to read
as follows:

8.32.160 License Number; Sticker Displayed on Vehicle.

Each such license certificate shall be numbered and the applicant shall procure from the Health Director a permit sticker with the license certificate number thereon for each ~~refuse~~ vehicle used by him, and which permit sticker shall at all times be permanently affixed to the vehicle as prescribed by the Health Director at the time of issuance.

Section 11. That Sections 8.32.010, 8.32.040, 8.32.070, 8.32.080, 8.32.110, 8.32.120, 8.32.130, 8.32.140, 8.32.150, and 8.32.160 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 12. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor